



DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM  
REPUBLIC OF SOUTH AFRICA

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## FAX COVER SHEET

DATE:

07/08/2008

TO:			
ORGANISATION:	ESKOM HOLDINGS LIMITED		
FAX:	086 663 3041		
FROM:	WAYNE HECTOR		
TEL:	012 310 3001	ROOM NO:	Fedsure Forum S 402
FAX:	(012) 310 7539		
E-MAIL:	<a href="mailto:whector@deat.gov.za">whector@deat.gov.za</a>		
NO PAGES:			
SUBJECT:	REQUEST FOR THE RE-ISSUE ON THE GAMMA-GRASSRIDGE RECORD OF DECISION		
MESSAGE:	Dear Joyce		
	Please receive herein as requested by yourself.		
	Regards		



## environment & tourism

Department:  
Environmental Affairs and Tourism  
REPUBLIC OF SOUTH AFRICA

Private Bag X447, Pretoria, 0001 • FedSure Building, 315 Pretorius Street, Pretoria, 0002. Tel: (+27 12) 310 3911 Fax: (+27 12) 322 2682

Ref: 12/12/20/801

Enquiries: Mr. Lerato Mokoena

Tel: (012) 310-3001 Fax: (012) 320-7539 E-mail: [whector@deat.gov.za](mailto:whector@deat.gov.za)

Attention: **Ms Joyce Mashiteng**  
Eskom Holdings Limited  
Private Bag X1091  
**JOHANNESBURG**  
2000

Fax: (011) 800-3917

Dear Madam

**WITHDRAWAL AND REPLACEMENT OF RECORD OF DECISION FOR PROJECT REFERENCE 12/12/20/801 DATED 14 October 2008: FOR THE PROPOSED CONSTRUCTION OF THE PROPOSED GAMMA-GRASSRIDGE 765KV TRANSMISSION POWER LINES (X2) BETWEEN GAMMA SUBSTATION (IN THE NORTHERN CAPE PROVINCE) AND GRASSRIDGE SUBSTATION (IN THE EASTERN CAPE PROVINCE)**

The above mentioned Record of Decision (ROD) refers.

This Department hereby withdraws the record of decision, for the construction of the above-mentioned project, which was issued on 14 October 2008.

The reason for the withdrawal is as follows:

- a. The issued ROD was faxed to the number provided in the application form. This number seems not to exist anymore. The applicant accordingly did not receive it on time to inform interested and affected parties within the prescribed time. Through this error the applicant was disadvantaged in his/her ability to comply with condition 3.3.6 of the ROD.

The Record of Decision, dated 14 October 2008, for the construction of the proposed Gamma-Grassridge 765kv transmission power lines (x2) between Gamma Substation (in the Northern Cape Province) and Grassridge Substation (in the Eastern Cape Province) is therefore, replaced by the Record of Decision attached to this letter.

Yours sincerely

**Nosipho Ngcaba**

**Director-General**

**Department of Environmental Affairs and Tourism**

**Signed by: Ms Lize McCourt**

**Designation: Chief Director - Environmental Impact Management**

**Date: 27 October 2008**

Muhasho wa zwa Vhupo na Vhuendelamashango • LITIKO le Tesimondzawo netekuVakasha • Isabe lemiCimbi yokusiNgqongileyo noKhenketho  
Ndzawulo ya Tinkhaka & Mbango • Department: Omgewingsake en Toziame • Lefapha la Tikoloho le Bohanhlaudi • Lefapha la Bojanala  
Kgoro ya Tikoloho le Boeti • UmNyango wezeBhuduluko nokuVekelija • Umnyango wezemvelo Nokuvakaha

## RECORD OF DECISION

### RECORD OF DECISION FOR PROJECT REFERENCE 12/12/20/801: THE PROPOSED CONSTRUCTION OF THE PROPOSED GAMMA-GRASSRIDGE 765KV TRANSMISSION POWER LINES (X2) BETWEEN GAMMA SUBSTATION (IN THE NORTHERN CAPE PROVINCE) AND GRASSRIDGE SUBSTATION (IN THE EASTERN CAPE PROVINCE)

By virtue of the power delegated by the Minister in terms of section 33(1) Environment Conservation Act, (Act 73 of 1989) ("the Act"), I hereby, in terms of section 22(3) of the Act, authorise Eskom Holdings Limited (Hereafter referred to as Eskom) to undertake the activities specified/ detailed below subject to the indicated conditions.

#### 1. DESCRIPTION, EXTENT AND LOCATION OF THE ACTIVITY:

- 1.1 The development will include the construction of the proposed construction of the proposed Gamma-Grassridge 765kV transmission power lines (x2) between Gamma Substation (in the Northern Cape Province) and Grassridge Substation (in the Eastern Cape Province). The activity will take place on various properties along the route. The direct distance between these two substations is approximately 310 km.

The lines will follow the preferred corridor as indicated in the EIR dated April 2008.

- 1.2 The activity entails the following activities:
- 2 x 765 kV transmission lines;
  - Expansion of the Grassridge Substation;
  - Installation of infrastructure at the Gamma Substation (if applicable and necessary, noting that the complete new Gamma Substation is the subject of a separate application for environmental authorisation);
  - Construction and maintenance of roads;
  - Temporary storage of hazardous substances; and
  - Telecommunication masts at the Gamma and Grassridge Substations.
- 1.3 The area falls under the jurisdiction of the following municipalities:
- Northern Cape: Pixley ke Seme District Municipality;
  - Western Cape: Central Karoo District Municipality;
  - Eastern Cape: Cacadu District Municipality; and
  - Nelson Mandela Metropolitan Municipality

#### 2. KEY FACTORS INFORMING THE DECISION:

- 2.1.1 In reaching its decision in respect of the application, the Department of Environmental Affairs and Tourism ("the Department") has taken, *inter alia*, the following into consideration:

- (a) The information contained in the:
- The Plan of Study for Scoping, dated 14 April 2006
  - Scoping Report, dated August 2006

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- Plan of study for EIR, dated December 2006
- The final EIR dated April 2008.
- All specialist reports and recommendations included in the Final EIR dated April 2008.
- The public participation process and issues report included in the Final EIR dated April 2008.

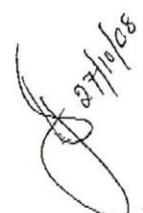
(b) Compliance with applicable national legislation and Departmental policies:

- Accelerated and Shared Growth Initiative – South Africa (ASGISA).
- Conservation of Agricultural Resources Act (Act 43 of 1983).
- Constitution of the Republic of South Africa Act (Act 108 of 1996) as amended by the Constitution of the Republic of South Africa, Amendment Act (Act 35 of 1997).
- Electricity Regulation Act (Act 4 of 2006), and the Draft Regulation for Electricity Expropriation as per General Notice 1612 of 2007.
- Electricity Act (Act 41 of 1987).
- Environment Conservation Act (Act 73 of 1989).
- Eskom Act (Act 40 of 1987) as amended by the Eskom Amendment Act (Act 51 of 1991).
- Eskom Conversion Act (Act 13 of 2001).
- Mountain Catchment Areas Act (Act No 63 of 1970);
- National Environmental Management Act (Act 107 of 1998);
- National Environmental Management: Biodiversity Act (Act No 10 of 2004);
- National Environmental Management: Protected Areas Act (Act No 57 of 2003) as amended by the National Environmental Management: Protected Areas Amendment Act (Act No 31 of 2004);
- National Heritage Resources Act (Act 25 of 1999);
- National Water Act (Act 36 of 1998);
- Public Finances Management Act (Act 1 of 1999) as amended by Act 29 of 1999;
- The Growth, Employment and Redistribution (GEAR) Macroeconomic Strategy;
- White Paper on the Energy Policy of the Republic of South Africa (December 1998);
- World Heritage Convention Act (Act No of 1999).

(c) Other national, provincial and local legislation of importance was identified as follows:

- Agricultural Pests Act (Act 36 of 1983);
- Conservancies;
- Fencing Act (Act 31 of 1963);
- Fertilisers, Farm Feeds, Agricultural Remedies and Stock Remedies Act (Act 36 of 1947).
- Forest Act (Act 122 of 1984);
- Hazardous Substances Act (Act 15 of 1973);
- Land Survey Act (Act 9 of 1921);
- Minerals and Petroleum Resources Development Act (Act 28 of 2002);
- Municipal Structures Act (Act 117 of 1998);
- National Environmental Management: Air Quality Act (Act 39 of 2004);
- National Forests Act (Act 84 of 1998);
- National Veld and Forest Fire Act (Act 101 of 1998) and

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- Occupational Health and Safety Act (Act 85 of 1993).

2.2 In reviewing this information, the Department made the following findings:

- The purpose and need for the proposed Gamma-Grassridge Transmission Lines is to strengthen the transmission network to the Western and Eastern Cape to meet current and projected future electricity demand,
- Specific environmental specialist studies were commissioned as part of the EIA process and it was found that the impact of this development was acceptable.
- The power lines will not have a negative impact on the rivers or wetlands.
- The visual impact concluded that the preferred alternative has a low impact on the visual aspects.
- The Avifaunal Assessment concluded that there are no impacts of high significance as potential impacts can be mitigated to acceptable levels;

Based on the information considered, the Department's conclusions are that:

- a) the proposed activities will not lead to substantial detrimental impact on the environment;
- b) the need for the project have been adequately demonstrated;
- c) the activity will result in socio-economic benefits;
- d) the implementation of the mitigation measures and conditions set out in this Record of Decision, are considered adequate to minimise detrimental impacts to acceptable levels;
- e) subject to successful implementation of conditions and mitigation measures, the proposed development is likely to be acceptable; and
- f) the principles of section 2 of NEMA can largely be upheld.

The Department has accordingly decided to grant Eskom Holdings Limited authorisation in terms of Regulations R 1182 and R 1183 (as amended), promulgated under section 21, 22 and 26 of the Environment Conservation Act (Act 73 of 1989), subject to the conditions and provisions listed below.

### 3. CONDITIONS

#### 3.1 DESCRIPTION AND EXTENT OF THE ACTIVITY

The authorisation applies in respect of the construction of the proposed Gamma-Grassridge 765kV transmission power lines (x2) between Gamma Substation (in the Northern Cape Province) and Grassridge Substation (in the Eastern Cape Province). The activity will take place on various properties along the route. The direct distance between these two substations is approximately 310 km, as described in Section 1 of this record of decision (ROD).

The authorisation applies in respect of the following activities as listed in Schedule 1, GN NO R1182:

- Activity 1 The construction, erection, and the upgrading of –**
- (a) facilities for commercial electricity generation with an output of at least 10 megawatts and infrastructure for bulk supply;
  - (d) roads, railways, airfields and associated structures;

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- (f) above ground cableways and associated structures;
- (g) structures associated with communication networks, including masts, towers and reflector dishes, marine telecommunication lines and cables and access roads leading to those structures, but not including above ground and underground telecommunication lines and cables and those reflector dishes used exclusively for domestic purposes; and

**Activity 2 The change of land use from-**

- (c) agricultural or zoned undetermined use or an equivalent zoning to any other land use.

### **3.2 SPECIFIC CONDITIONS**

#### **3.2.1 Access Roads**

- 3.2.1.1 Planning of access routes for construction purposes must be done in conjunction with the Contractor, Eskom, the landowner and Government stakeholders (such as District and Local Municipalities), as necessary and applicable. These agreements must be forwarded to the Department for record keeping purposes
- 3.2.1.1 Erosion control monitoring of all road and cleared edges must be done monthly during the construction period, and annually thereafter, and eroded areas rehabilitated as per provisions of the EMP.
- 3.2.1.2 An independent botanist must undertake site-specific surveys for tower positions and access road alignments in "no-go" and "go-but" areas so as to ensure avoidance of species of special concern and to minimise loss of vegetation with a high conservation value.
- 3.2.1.3 All access roads must be properly marked. Markers must show the direction of travel, as well as the tower numbers to which the roads lead. Roads not to be used must be marked "NO ENTRY".
- 3.2.1.4 No roads must be constructed on slopes of more than 20%, unless such roads follow contours.

#### **3.2.2 Water Management**

- 3.2.2.1 No surface or ground water may be polluted due to any activity on the property/site. The relevant requirements of the National Water Act, 1998 (Act No. 36 of 1998) must be complied with at all times.
- 3.2.2.2 The wetland areas of Sarelsrivier and the Stellenboschvlei complex must be avoided, with the enforcement of a 500 m buffer zone, where practically possible.

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### **3.2.3 Waste Management**

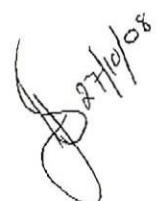
- 3.2.3.1 An integrated waste management approach that is based on waste minimisation must be used and should incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste must be disposed of at a landfill licensed in terms of section 20 of the Environment Conservation Act, 1989 (Act No. 73 of 1989).
- 3.2.3.2 The Contractor must install mobile chemical toilets on site. Ablution facilities must be within 100m from workplaces but not closer than 50m from natural water bodies. Toilets must be serviced regularly and the ECO must inspect toilets regularly to ensure compliance to health standards.
- 3.2.3.3 Waste collection bins must be supplied, and where such is not available then all solid waste collected must be disposed at a registered waste dump in accordance with the refuse collection and disposal requirements of the relevant municipality.
- 3.2.3.4 Contaminated soil must be removed and placed in containers but the smaller spills can be treated on site.
- 3.2.3.5 On site land fill is not allowed without the consent from the land owner or permit from Department of Water Affairs and Forestry (DWAF).

### **3.2.4 Hazardous waste**

- 3.2.4.1 In the event of a spill, hazardous material may be generated. Such material must be disposed of at a suitable landfill site, with chain of custody documentation supplied as proof of end recipient.
- 3.2.4.2 Hazardous and flammable substances must be stored and used in compliance with the applicable regulations and safety instructions.
- 3.2.4.3 No hazardous waste must be stored on-site as well as off-site without the license of DWAF.
- 3.2.4.4 No concrete or cement mixing must take place on the soil or grass surfaces. Cement mixers must be placed in suitable trays to prevent spillage onto the soil surface.

### **3.2.5 Fauna and Flora**

- 3.2.5.1 Construction activities must be carefully planned so as not to interfere with livestock, unless the landowner or community members are present. This includes the moving of livestock where they interfere with construction activities.
- 3.2.5.2 The breeding sites of raptors and other sensitive bird species must be taken into account during the planning of the construction.
- 3.2.5.3 All self-support towers must be fitted with Bird Guards as per Eskom Transmission's specifications. This will prevent birds from perching and roosting in the critical areas above live conductors.
- 3.2.5.4 All sections of line passing through, or adjacent to (within one span of), dams, irrigated arable lands, rivers and river crossings, flats and plains, pans and wetlands, must be fitted with a

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suitable marking device on the earth wires as per Eskom Transmission's technical guidelines and with input from the avi-faunal specialist.

3.2.5.5 An independent botanist must provide input into the final servitude alignment and tower sites, specifically to investigate and identify species of special concern.

3.2.5.6 Permits for removal of common protected species (for example, all vygies) must be obtained from the relevant provincial environmental authority, should such species be affected by construction activities.

### **3.2.6 Fuel Storage**

3.2.6.1 The fuel storage area should be clearly demarcated and restricted to designated staff only.

3.2.6.2 All hazardous substances shall be stored in suitable containers and storage areas must be bunded.

3.2.6.3 Areas must be monitored for spills and any spills must be contained, cleaned and rehabilitated immediately.

3.2.6.4 Leaking containers must be repaired or removed from site.

### **3.2.7 Other conditions**

3.2.7.1 The applicant must train safety representatives, managers and workers in workplace safety. All applicable physical safety standards and regulations, including for subcontractors must be enforced.

3.2.7.2 The applicant must provide high standard warnings and traffic calming measures where construction activities interfere with traffic.

3.2.7.3 The applicant must implement dust abatement measures, such as the wetting of active construction areas and unpaved roads.

3.2.7.4 The applicant must take note that no temporary site camps will be allowed outside the footprint of the development area as the establishment of such structures might trigger a listed activity as defined in the NEMA Regulations, Government Notice 386 and 387 of 2006.

3.2.7.5 All disturbed areas must be rehabilitated with vegetation that is indigenous to the area. No alien vegetation must be used as part of the rehabilitation plan.

3.2.7.6 All mitigation measures as stated in Final EIR dated April 2008 and specialist studies must be strictly adhered to.

3.2.7.7 This activity must commence within a period of four (4) years from the date of issue. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.

3.2.7.8 The authorised activity / activities may not commence within thirty (30) days of the date of signature of the authorisation.

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- 3.2.7.9 Should you be notified by the minister of a suspension of the authorisation pending appeal procedures, you may not commence with the activity / activities unless authorised by the minister in writing.
- 3.2.7.10 Fourteen (14) days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence. This notification period may coincide with the period contemplated in 3.2.8.8.
- 3.2.7.11 Fourteen (14) days written notice must be given to the Department that the activity's operational phase will commence.

### **3.2.8 Environmental Management Plan (EMP)**

- 3.2.8.1 The draft construction EMP dated April 2008, which was submitted to this Department together with the EIR dated April 2008 is accepted and is seen as a dynamic document. However, any changes to the EMP, which is environmentally defensible, must be submitted to DEAT for acceptance before such changes could be effected. The EMP is regarded as an extension of the ROD and shall be treated as such in terms of compliance monitoring.
- 3.2.8.2 All contractors working on site must be informed with regard the contents of the EMP.

### **3.2.9 Environmental Control Officer (ECO)**

- 3.2.9.1 The developer must appoint a suitably qualified Environmental Control Officer (ECO) who would on a daily basis monitor the project compliance with conditions of the record of decision, environmental legislation and recommendations of the EMP. The cost of the ECO shall be borne by the applicant.
- 3.2.9.2 The ECO must be appointed one month before the start of construction and the authorities must be notified of such an appointment for communication purposes.
- 3.2.9.3 The ECO shall ensure that periodic environmental performance audits are undertaken on the project implementation.
- 3.2.9.4 The ECO shall submit an environmental compliance report on a two-monthly basis, in writing, to the Director of Environmental Impact Evaluation of the Department of Environmental Affairs and Tourism (DEAT).
- 3.2.9.5 The ECO shall maintain the following on site:
- A daily site diary
  - A non-conformance register
  - A public complaint register
  - A register of audits

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- 3.2.9.6 The ECO shall remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is handed over to Eskom by the contractor for operation.

**3.2.10 Monitoring and auditing**

- 3.2.10.1 Records relating to monitoring and auditing must be made available for inspection to DEAT in respect of this development when required by the said department.
- 3.2.10.2 This Department reserves the right to monitor and audit the development throughout its full life cycle to ensure that it complies with the conditions stipulated in the ROD as well as mitigation measures proposed in the EIR and EMP dated April 2008.
- 3.2.10.3 The applicant must submit an Environmental Audit Report, ("audit report") to this Directorate one (1) year after the construction has been completed.
- (i) The audit report must indicate the date on which construction was completed, and detail compliance with the conditions of this authorisation.
  - (ii) This Directorate may require remedial action should the audit report reflect that compliance is inadequate. If the audit report is not submitted, this Directorate may give 30 days written notice and may have such an audit undertaken at the expense of the applicant and may authorise any person to take such measures necessary for this purpose.

**3.2.11 Compliance with other legislation**

- 3.2.11.1 Archaeological remains, artificial features and structures older than 60 years are protected by the National Heritage Resources Act, 1999 (Act No. 25 of 1999). Should any archaeological artefacts be exposed during excavation for the purpose of laying foundations, construction in the vicinity of the finding must be stopped. An archaeologist must be called to the site for inspection. Under no circumstances shall any artefacts be destroyed or removed from the site. SAHRA must be contacted to this effect. Their recommendations should be included in the construction EMP and be adhered to. No exotic plant species may be used for rehabilitation purposes. Only indigenous plants may be utilised.
- 3.2.11.2 Compliance with the requirements of Section 38(1), (3) and (7) of the National Heritage Resources Act, Act 25 of 1999, including the comments and recommendations of the relevant heritage resources authority responsible for the area in which the development is proposed.
- 3.2.11.3 All provisions of the Occupational Health and Safety Act, 85 of 1993, and any other applicable legislation must be adhered to by the holder of this authorisation.
- 3.2.11.4 All provisions of the National Water Act, Act 36 of 1998, must be adhered to by the holder of this authorisation.
- 3.2.11.5 All provisions of the National Environment Management: Biodiversity Act, Act 10 of 2004, must be adhered to by the holder of this authorisation.

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- 3.2.11.6 A permit shall be obtained from the provincial department of nature conservation for the removal of indigenous protected and endangered plant and animal species.

### 3.3 GENERAL CONDITIONS

- 3.3.1 This authorisation is granted only in terms of section 22 of the Environment Conservation Act, Act No.73 of 1989, and does not exempt the holder thereof from compliance with any other legislation.
- 3.3.2 A copy of this authorisation must be kept at the site office where the activity will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
- 3.3.3 This authorisation refers only to the activity as specified above and described in the Final EIR dated April 2008. Any other activity listed under section 21 of the Environment Conservation Act, 1989 (No. 73 of 1989) which is not specified above, is not covered by this authorisation, and must therefore comply with the requirements of the National Environmental Management Act, 1998, Section 24(5) of the Act and published in GN NR 385 of 21 April 2006.
- 3.3.4 This authorisation is subject to the approval of the relevant local authorities in terms of any legislation administered by those authorities.
- 3.3.5 Changes in the proposal resulting in significant environmental impacts are only permissible if approved in writing by the Department.
- 3.3.6 The applicant must, within 7 (seven) calendar days of receipt of this record of decision inform all interested and affected parties and at least include the following:
- (i) That an authorisation has been issued to the applicant to proceed with the construction and operation phases of the activity. If requested, provide copies of this ROD.
  - (ii) That any appeals against the issuing of the authorisation must be lodged with the Minister of Environmental Affairs and Tourism within 30 (thirty) days from the date on which this ROD has been issued to the applicant at the address stipulated in this ROD.
  - (iii) That an appeal questionnaire may be used in the lodging of an appeal. A copy of the official appeal form can be obtained from:  
Mr PKM Retief, Appeals Administrator, Tel: 012 310 3705, [PRetief@deat.gov.za](mailto:PRetief@deat.gov.za) ; or  
Mr H Grové, Appeals Administrator, Tel: 012 310 3070, [HGrove@deat.gov.za](mailto:HGrove@deat.gov.za), at the Department.
  - (iv) The date on which the ROD was issued to the applicant in terms of regulation 10(1) and the date by which appeals must reach the Minister.
  - (v) Failure to inform interested and affected parties within the stipulated time period may result in the Minister considering requests from such parties for permission to submit a late appeal favourably.
- 3.3.7 The applicant shall be responsible for ensuring compliance with the conditions contained in this ROD by any person acting on his behalf, including but not limited to, an agent, servant, or

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- employee or any person rendering a service to the applicant in respect of the activity, including but not limited to, contractors and consultants.
- 3.3.8 The applicant must notify the Department in writing, within 24 (twenty four) hours if any condition of this authorisation cannot, or is not, adhered to. The notification must be supplemented with reasons for non-compliance.
- 3.3.9 A copy of the authorisation and ROD must be available on site during construction and all staff, contractors and sub-contractors shall be familiar with or be made aware of the contents of this authorisation and ROD.
- 3.3.10 Compliance/non-compliance records must be kept and shall be made available on request from the authorities within five days of receipt of the request.
- 3.3.11 Any changes to, or deviations from, the project description set out in this letter must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations.
- 3.3.12 This Department may review the conditions contained in this letter from time to time and may by notice in writing to the applicant, amend, add or remove a condition.
- 3.3.13 In the event that the predicted impacts exceed the significance as predicted by the independent consultant in the Final EIR dated April 2008 and supporting documentation, the authorisation may be withdrawn after proper procedures have been followed.
- 3.3.14 In the event of any dispute concerning the significance of a particular impact, the opinion of the Department of Environmental Affairs and Tourism (DEAT) in respect of its significance will prevail.
- 3.3.15 The applicant must notify the Department, in writing, at least 10 (ten) days prior to the change of ownership, project developer or the alienation of any similar rights for the activity described in this letter. The applicant must furnish a copy of this document to the new owner, developer or person to whom the rights accrue and inform the new owner, developer or person to whom the rights accrue that the conditions contained herein are binding on them.
- 3.3.16 Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
- 3.3.17 National government, provincial government, local authorities or committees appointed in terms of the conditions of this application or any other public authority or authorisation shall not be held responsible for any damages or losses suffered by the applicant or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of approval as set out in this document or any other subsequent document emanating from these conditions of approval.
- 3.3.18 If any condition imposed in terms of this authorisation is not complied with, the authorisation may be withdrawn after 30 days written notice to the applicant in terms of section 22(4) of the Environment Conservation Act, 1989 (Act No. 73 of 1989).



- 3.3.19 Failure to comply with any of these conditions shall also be regarded as an offence and may be dealt with in terms of sections 29, 30 and 31 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), as well as any other appropriate legal mechanisms.
- 3.3.20 Departmental officials shall be given access to the properties earmarked for construction activities for the purpose of assessing and/or monitoring compliance with the conditions contained in this document at all reasonable times.

#### 4. DURATION OF AUTHORISATION

If the activity authorised by this letter does not commence within 4 (four) years from the date of signature of this letter, the authorisation will lapse and the applicant will need to reapply for exemption or authorisation in terms of the above legislation or any amendments thereto.

#### 5. CONSEQUENCES OF NON-COMPLIANCE

The applicant must comply with the conditions set out in this letter. Failure to comply with any of the above conditions may result in, *inter alia*, the Department withdrawing the authorisation, issuing directives to address the non-compliance – including an order to cease the activity – as well as instituting criminal and/or civil proceedings to enforce compliance.

#### 6. APPEALS

Appeals in respect of this decision must be lodged with the Minister of Environmental Affairs and Tourism within 30 (thirty) days of the date of this decision. Appeals can be submitted utilising one of the following methods:

By facsimile: (012) 322 0082  
By post: Private Bag X447, Pretoria 0001  
By hand: 2<sup>nd</sup> Floor, Fedure Forum Building, North Tower, cor. Van der Walt and Pretorius Streets, Pretoria.

Appeals must comply with the provisions of Regulation 11 of Government Notice No. R. 1183 which reads as follows:

An appeal to the Minister or provincial authority under section 35(3) of the Act must be done in writing within 30 days from the date on which the ROD was issued to the applicant in terms of regulation 10(1);

An appeal must set out all the facts as well as the grounds of appeal, and must be accompanied by all relevant documents or copies of them which are certified as true by a commissioner of oaths.

An appeal questionnaire may be used in the lodging of an appeal. It is obtainable from:  
Mr PKM Retief, Appeals Administrator, Tel: 012 310 3705, [PRetief@deat.gov.za](mailto:PRetief@deat.gov.za); or  
Mr H. Grové, Appeals Administrator, Tel: 012 310 3070, [HGrove@deat.gov.za](mailto:HGrove@deat.gov.za), at the Department.

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Should the applicant wish to appeal any aspect of this decision, the applicant must notify and furnish copies of the appeal which will be submitted to the Minister, to all registered interested and affected parties. Proof of such notification must be submitted to the Minister with the appeal. Failure to comply with this provision may result in the Minister refusing to consider the appeal

**7. APPLICANT:**

Eskom Holdings Limited  
P O Box 1091  
JOHANNESBURG  
2000

Contact person: Ms Joyce Mashiteng  
Tel: (011) 800-5411  
Fax: (011) 800-3917

**8. CONSULTANT:**

ACER (Africa) Environmental Consultants  
P O Box 503  
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Your interest in the future of our environment is greatly appreciated.

Yours Sincerely



**Ms Nosipho Jezile-Ngcaba**

**Director – General**

**Department of Environmental Affairs and Tourism**

**Letter signed by: Ms. Lize McCourt**

**Designation: Chief Director: Environmental Impact Management**

**Date: 27 October 2008**

**Cc:**

**Dr R D Heinsohn**

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